

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JOE ANDREW SALAZAR,	§ § §	
Plaintiff,	§ § §	
vs.	§	Civil Action No.
HTC CORPORATION,	§ § §	JURY TRIAL DEMANDED
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Joe Andrew Salazar (“Salazar” or “Plaintiff”), files this Original Complaint for Patent Infringement against Defendant HTC Corporation (“HTC”) and as claim for relief states as follows:

PRELIMINARY STATEMENT

1. This is an action for patent infringement under the patent laws of the United States, United States Code, Title 35, §§ 1 *et seq.*
2. Salazar is an individual with an address of 825 Clemens Way, Lompoc, California 93436.
3. On information and belief, HTC is a Taiwanese corporation with a principal place of business located at No. 23 Xinghua Rd., Taoyuan Dist., Taoyuan City 330, Taiwan, R.O.C.
4. On information and belief, HTC is in the business of designing, manufacturing, and selling electronic devices including smartphones and tablets.

JURISDICTION

5. This Court has subject matter jurisdiction of the action under Title 28, United States Code, §§ 1331, 1338(a), because this action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

6. Venue in this judicial district is proper under Title 28, United States Code, §§ 1391(b) and 1400(b).

7. Defendant has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, and places infringing products into the stream of commerce, with knowledge or understanding that such products are sold in the State of Texas, including in this District.

BACKGROUND

8. Salazar is the owner of all rights, title and interest in and to United States Patent No. 5,802,467 (“the ‘467 Patent”).

9. On information and belief, Defendant is offering for sale and selling products including but not limited to HTC One M7 and HTC One M8 that directly infringe at least claims 1-9, 11, 15, 16, 17, 19, 20, 21 and 29-34 of the ‘467 Patent.

COUNT ONE
INFRINGEMENT OF U. S. PATENT NO. 5,802,467

10. Plaintiff incorporates by reference herein the allegations set forth in paragraphs 1-9 herein.

11. Pursuant to 35 U.S.C. § 271, Defendant has infringed, and is continuing to infringe (literally and/or under the doctrine of equivalents) at least claims 1-9, 11, 15, 16, 17, 19, 20, 21, and 29-34 of the ‘467 Patent by making, offering for sale or use, and/or selling, distributing, promoting or providing for use by others in the Eastern District of Texas and elsewhere in the United States, products including but not limited to HTC One M7 and HTC One M8.

12. As a result of Defendant's infringement of the '467 Patent, Plaintiff has suffered monetary losses for which Plaintiff is entitled to an award of damages that are adequate to compensate Plaintiff for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

13. On information and belief, Defendant's infringement of the '467 Patent has been deliberate, willful and with full knowledge, or willful blindness to knowledge, of the '467 Patent.

14. Plaintiff has suffered damages in an amount to be determined at trial by reason of Defendant's willful infringement of the '467 Patent, and will suffer additional damages and will be irreparably injured unless the Court enjoins Defendant from continuing such infringement.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for relief, as follows:

A. That Plaintiff is the owner of all right, title, and interest in and to United States Patent No. 5,802,467, together with all rights of recovery under such patent for past and future infringement thereof;

B. That United States Patent No. 5,802,467 is valid and enforceable in law and that Defendant has infringed said patent;

C. Awarding to Plaintiff his damages caused by Defendant's infringement of United States Patent No. 5,802,467, including an assessment of pre-judgment and post-judgment interest and costs, and an award of supplemental damages for any continuing post-verdict infringement up until entry of the final Judgment with an accounting, as needed;

D. That Defendant's infringement has been willful and said damages be trebled pursuant to 35 U.S.C. § 284;

E. Entering a preliminary and permanent injunction against Defendant, its officers, employees, attorneys, all parent and subsidiary corporations and affiliates, its assigns and

successors in interest, and those persons in active concert or participation with any of them who receive notice of the injunction, enjoining them from continuing acts of infringement of United States Patent No. 5,802,467, including without limitation, from continuing to make, use, sell and/or offer for sale;

F. That this is an exceptional case and awarding to Plaintiff his costs, expenses and reasonable attorney fees pursuant to 35 U.S.C. § 285; and

G. Awarding to Plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

In accordance with Fed. R. Civ. P. 38(b) and E. D. Tex. Loc. R. 38(a), Plaintiff hereby demands a trial by jury for all issues triable by jury.

Dated: October 5, 2016

Respectfully submitted,



DARIUS KEYHANI (Lead Attorney)
New Jersey State Bar No. 044062002
MEREDITH & KEYHANI, PLLC
125 Park Avenue, 25th Floor
New York, New York 10017
Telephone: (212) 760-0098
Facsimile: (212) 202-3819
Email: dkeyhani@meredithkeyhani.com

ANDY TINDEL
Texas State Bar No. 20054500
MANN | TINDEL | THOMPSON
112 East Line Street, Suite 304
Tyler, Texas 75702
Telephone: (903) 596-0900
Facsimile: (903) 596-0909
Email: atindel@andytindel.com

ATTORNEYS FOR PLAINTIFF